

FILED ELECTRONICALLY

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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SECURITIES AND EXCHANGE COMMISSION	:
	:
Plaintiff,	:
	:
- vs -	:
	:
JOHN MICHAEL KELLY,	:
STEVEN E. RINDNER, and	:
MARK WOVSANIKER	:
	:
Defendants.	:
-----	X

**NOTICE OF DEFENDANT MARK WOVSANIKER'S MOTION FOR JUDGMENT ON
THE PLEADINGS AS TO COUNTS I AND II OF THE COMPLAINT
BASED ON THE SUPREME COURT'S JUNE 13, 2011 *JANUS* DECISION, OR,
ALTERNATIVELY, FOR RECONSIDERATION IN PART OF THIS COURT'S
DECISION AND ORDER DATED JANUARY 7, 2011**

Defendant Mark Wovsaniker, through his undersigned counsel, hereby moves pursuant to Federal Rule of Civil Procedure 12(c), for judgment on the pleadings dismissing Counts I and II as to him or, alternatively, for reconsideration pursuant to Federal Rule of Civil Procedure 54(b) of the Court's January 7, 2011 decision denying Defendant Wovsaniker motion for summary judgment as to Counts I and II. As support for this motion, Defendant Mark Wovsaniker shall rely upon this Notice of Motion, his Proposed Order, and his Memorandum of Law in Support of his Motion for Judgment on the Pleadings as to Counts I and II of the Complaint Based on the Supreme Court's June 13, 2011 *Janus* Decision, or Alternatively for Reconsideration in Part of this Court's Decision and Order Dated January 7, 2011.

Respectfully submitted,

K&L GATES LLP

/s/ Stephen G. Topetzes

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Dated: July 11, 2011